

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS HARLAN,

Defendant.

8:05CR308

ORDER

Defendant Thomas Harlan (Harlan) appeared before the court on October 31, 2011, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 44). Harlan was represented by Assistant Federal Public Defender Jeffrey L. Thomas and the United States was represented by Assistant U.S. Attorney Michael P. Norris. Through his counsel, Harlan waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Harlan should be held to answer for a final dispositional hearing before Judge Laurie Smith Camp.

The government moved for detention. Through counsel, Harlan declined to request a hearing on the issue of detention. Since it is Harlan's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Harlan has failed to carry his burden and Harlan should be detained pending a dispositional hearing before Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 1:00 p.m. on November 18, 2011**. Defendant must be present in person.

2. Defendant Thomas Harlan is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 31st day of October, 2011.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge